

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 1:10-CR-313
	:	
JOSHUA BEHROUZ NABATKHORIAN	:	
	:	
Accused.	:	

MOTION FOR EXTENSION OF TIME TO FILE  
MOTIONS UNTIL SEPTEMBER 27, 2010

Comes now, the Accused, Joshua Behrouz Nabatkhorian, by counsel, who moves this Court to grant an extension of time to file motions from Monday, September 20, 2010 until Monday, September 27, 2010, and in support thereof states as follows:

1. Joshua Nabatkhorian has been indicted on a single count of solicitation of a minor by use of a computer device in violation of 18 U.S.C. § 2422. This matter is currently set for trial on December 6, 2010 and any motions are to be heard on November 5, 2010.

2. The government has, prior to indictment, provided a significant amount of discovery materials to counsel for Mr. Nabatkhorian. However, discovery is ongoing, with additional materials having been provided this week. It is anticipated additional forensic evaluations will be forthcoming in the near future.

3. However, most importantly, counsel for Mr. Nabatkhorian is in the jury selection phase of a two count capital murder resentencing hearing, which is

scheduled to last through at least the end of October 2010. The jury selection process has been even more intensive than previously anticipated, with voir dire hearings extending well into the evening hours this week. The voir dire process is continuing and it is not anticipated a jury will be selected until the middle or end of next week.

4. The legal issues in the Nabatkhorian case are significant and must be fully and properly briefed for the most efficient and appropriate presentation to the Court. It is suggested that if any extension is granted to defense counsel, the government would be granted a similar extension. Even with such an extension, there would remain a significant period of time before the November 5<sup>th</sup> motions' hearing, after such filings are made.

5. Defense counsel has requested the government to advise of its position regarding this request. The government has indicated its opposition to this request.

6. While it is not the practice of counsel for Mr. Nabatkhorian to make such requests, the workload, preparation and intensity of the pending capital murder trial in the Fairfax County Circuit Court before the Honorable Randy I. Bellows, overlapping with the finalization of motions herein remain challenging. While counsel could have, and perhaps should have, brought this request up at the time of the arraignment hearing on September 3, 2010, it was the hope of the undersigned to have the motions filed as scheduled. However, the voir dire process of as many as 300 jurors has been daunting.

7. Therefore, it is respectfully requested that the Court grant a brief extension of the deadline for the filing of motions until September 27, 2010, and that the government be granted an additional similar period of time to file responses thereto.

WHEREFORE, the Defendant, Joshua Nabatkhorian, by counsel, moves this Court to grant an extension of time to file motions from September 20, 2010 until September 27, 2010.

JOSHUA BEHROUZ NABATKHORIAN  
By Counsel

GREENSPUN, SHAPIRO, DAVIS & LEARY, P.C.

BY: /s/  
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of September 2010, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will then send a notification of such filing (NEF) to the following:

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